IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

OP.No. 27658 of 2000(P)

PETITIONERS:

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1. **E.J.T. DAS KOLATHINGAL,**
   LIBRARIAN GRADE IV (HIGHER GRADE),
   ST. ALOYSIUS COLLEGE,
   ELTHURUTH, THRISSUR DISTRICT.

2. **T.K.D. NARAYANAN,**
   LIBRARIAN GRADE IV (HIGHER GRADE),
   SREEKRISHNAPURAM V.T. BHATTATHIRIPPAD COLLEGE,
   MANNAMPATTA, PALAKKAD DISTRICT.

3. **SR. THRESSIA K.P.,**
   LIBRARIAN GRADE IV (HIGHER GRADE),
   ST. MARY'S COLLEGE, THRISSUR.

BY ADV. SRI.K.P.DANDAPANI (SR.).

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT,
   HIGHER EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF COLLEGIATE EDUCATION,**
   THIRUVANANTHAPURAM.

3. **THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,**
   THRISSUR.

4. **THE PRINCIPAL,**
   ST. ALOYSIUS COLLEGE,
   P.O. ELTHURUTH, THRISSUR DISTRICT- 680 611.

O.P. NO. 27658/2000:

5. THE PRINCIPAL,
SREEKRISHNAPURAM V.T. BHATTATHIRIPPAD COLLEGE,
PALAKKAD DISTRICT, PIN - 679 517.

6. THE PRINCIPAL,
ST. MARY'S COLLEGE,
THRISSUR - 680 020.

BY ADV. SRI.A.P.CHANDRASEKHARAN (SR.),
SMT.PRABHA R.MENON,
SRI.PUSHPARAJAN KODOTH,
SRI.M.KRISHNAKUMAR,
GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 09/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 46466/2000 IN O.P. NO. 27658/2000

CLOSED

09/07/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. ESTT.A3/9200/96/K.DIS. DTD. 03/01/97 ISSUED BY THE R.3. TO THE P.1.

EXT.P.2: COPY OF THE ORDER NO. ESTT. A3/1442/97/K. DIS. DTD. 26/07/97 OF THE R.3. ISSUED TO THE P.2.

EXT.P.3: COPY OF THE ORDER NO. ESTT. A3/8711/94/K.DIS. DTD. 13/03/95 OF THE R.3. ISSUED TO THE P.3.

EXT.P.4: COPY OF THE ORDER NO.A 3-1786/97/K.DIS. DTD. 25/09/97 OF THE PRINCIPAL-IN-CHARGE OF DEPUTY DIRECTOR OF COLLEGIATE DUCATION, THRISSUR, ISSUED TO 3RD PETITIONER.

EXT.P.5: COPY OF THE RELEVANT EXTRACT OF ORDER, G.O. (P). NO. 3000/98/FIN. DTD. 25/11/1998 OF THE R.1.

EXT.P.6: COPY OF THE COMMUNICATION NO. A3-4140/2000 DTD. 01/09/2000 OF THE R.3. TO THE R.4.

EXT.P.7: COPY OF THE COMMUNICATION NO. A3.4140/2000 DTD. 01/09/2000 BY THE R.3. TO THE R.4.

EXT.P.8: COPY OF THE COMMUNICATION NO. A3-4140/2000 DTD. 01/09/2000 OF THE R.3. TO THE R.6.

O.P. NO. 27658/2000

EXT.P.9: COPY OF THE COMMUNICATION NO. SAC/79/43 DTD. 22/09/2000 BY THE R.4. TO THE P.1.

EXT.P.10: COPY OF THE COMMUNICATION NO. 316/2000 DTD. 22/09/2000 BY THE R.6 TO THE P.3.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE .

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.27658 of 2000-P

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Dated this the 9th day of July, 2007.

JUDGMENT

Petitioners challenge Exts.P2 to P6 resulting in reduction of their pay from the scale then being enjoyed by them. The controversy between the parties is as to whether the petitioners were entitled to be treated as Librarian Grade III or whether they are liable to be stepped down to the standard scales.

2. Though a similar question arose in O.P.17603/2000 and the petitioner therein was relegated

for a decision by the Government as per judgment dated 1-6-2004, the views of the Government in that case are not readily available. That apart, being a question of bringing down the petitioners from a scale of pay they were enjoying, it was most appropriate that they were given a pre-decisional hearing. Bereft of that, the Government are to hear the petitioners. The learned counsel for the petitioner also pointed out that in view of G.O.MS.129/73/Edn. dated 27-8-1973, the existing Librarians, who are absorbed in Grade IV will be eligible for promotion as Librarian Grade III provided they satisfy the conditions in Clause 2 of that Government Order.

In the aforesaid circumstances, this writ petition is disposed of directing that the petitioners will be afforded an opportunity of being heard by the appropriate authority in the Government on the issue in hand and a decision will be rendered within a period of five months from the date of receipt of a copy of this judgment. The order of stay of recovery granted on 28-9-2000 on C.M.P.46466/2000 will

continue until a final decision as afore-directed is taken and communicated to the petitioners.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.27658 of 2000-P

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JUDGMENT

Dated: 9th July, 2007.